

Screening Cases for Suitability for Mediation

PLEADINGS STAGE SCREENING TOOL

Case Caption: _____
Case Number: _____

Screening Date: _____
Screener (Name): _____

Document to be Examined	Inquiry	Additional Inquiry Warranted	Conclusion
1. DCIR Forms [EXAMINE DCIRs ATTACHED TO BOTH THE COMPLAINT AND THE ANSWER]	A. Under the section "Alternative Dispute Resolution Information" did the party indicate NO to any form of ADR?	If the party checks YES to mediation, and NO to other forms of ADR, they may be suggesting only mediation is appropriate and not other types. If they check NO to some types of ADR, but there appear to be no references to family violence issues, and no indication as to why mediation is not appropriate, it may be necessary to telephone counsel or the party for clarifying information.	<input type="checkbox"/> Party or counsel believes mediation is inappropriate because of family violence issues or other safety concerns.
	B. Under the final section "Is there an allegation of physical or sexual abuse of party or child?" the party or counsel have indicated "YES."		<input type="checkbox"/> Party or counsel identified the presence of abuse allegations.
2. Complaint / Counter-complaint, Petition or Motion [EXAMINE THE INITIAL PLEADINGS OR OTHER RELEVANT DOCUMENTS FILED BY BOTH PARTIES]	A. Related Case Information: I. Does the party list any domestic violence, peace order cases, Child In Need of Assistance cases from Maryland or other states that might suggest there has been a history of family violence? II. Does the party list any related domestic cases or other case types?	If the cases are old, it might be appropriate to contact counsel to gauge their sense of whether mediation is appropriate. If either party is self-represented it might be advisable to call the parties or bring the parties in for individual in-person screenings. If the party lists other related cases, it might be necessary to look those up in the court's information system to see if they include allegations of domestic violence or child abuse, or suggest a history of family violence.	<input type="checkbox"/> There are cases known to the court that suggest a history of family violence.

2. Complaint / Counter-complaint, Petition or Motion (continued)	<p>B. Grounds (Divorce Cases only):</p> <p>I. Does either party seek a divorce on the grounds of cruelty or excessively vicious conduct against him or herself or the minor child?</p> <p>II. Does either party seek a divorce on the grounds of criminal conviction where the underlying complaint stems from family violence or abuse of a child?</p> <p>III. Does either party seek a divorce on the grounds of constructive desertion where the underlying allegations refer to family violence or abuse of a child?</p>		<input type="checkbox"/> The grounds for divorce suggest that there is a history of family violence.
	<p>C. Allegations:</p> <p>Read the factual allegations detailed in the petition. Does the party state any facts that suggest that the complaining party, the opposing party or a child have been the victim of abuse, or are at risk of harm?</p>	<p>If facts are alleged that raise a concern about the safety of either party or a child, but it is not clear whether or not there is risk, it may be wise to request both parties appear in court for an individual, in-person safety screening.</p>	<input type="checkbox"/> A party has alleged facts which suggest that one or more parties, or a child may have been a past victim of violence or at risk of future harm.
	<p>D. Forms of Relief:</p> <p>Even when a party has not stated that they or their children have been a victim of family violence, or are at risk of harm, they may seek forms of relief which put the court on notice. Does the party request some type of stay-away order, no contact provision, or protection from threats or actual harm?</p>	<p>If some type of protective relief is requested, but no facts are stated that support those forms of relief, it may be wise to request both parties appear in court for an individual, in-person safety screening.</p>	<input type="checkbox"/> A party has requested protective relief of some type, suggesting that there is a history of family violence.
3. Answer	<p>A. Affirmations, Denials and Other Allegations:</p> <p>I. Does the answering party confirm allegations of abuse?</p> <p>II. Does the answering party allege new facts that suggest a history of family violence or future risk of harm?</p> <p>III. Does the answering party refer to any other related cases that suggest a history of family violence?</p>		<input type="checkbox"/> The answering party affirms or has not denied allegations suggesting a history of family violence or future risk of harm. <input type="checkbox"/> The answering party has alleged new facts suggesting a history of family violence or future risk of harm. <input type="checkbox"/> The answering party has identified cases suggesting a history of family violence.
4. Other Documents	<p>Review other documents in the file that may be relevant to determining if there are family violence issues that would suggest the case was inappropriate for mediation.</p>		<input type="checkbox"/> Other documents in the file suggest the presence of family violence issues.

NOTE TO SCREENER: *If one or more conclusions are checked, the case is NOT appropriate for mediation.*

- ☐ Based on a review of pleadings only, this case **MAY BE APPROPRIATE** for mediation or other forms of ADR.
- ☐ This case is **NOT APPROPRIATE** for mediation or other forms of ADR.
- ☐ This case requires **in-person, individualized screenings** to determine if mediation or ADR would be appropriate.

NOTE: This screening was based on a review of the pleadings only and may NOT have identified all possible domestic violence issues.